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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,169	05/22/2007	Michael Luke Tunmer	051037	1924
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QUALCOMM INCORPORATED				
5775 MOREHOUSE DR.				
SAN DIEGO, CA 92121				
EXAMINER				
BYRD JR., JOHN B				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
12/30/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,169

Applicant(s)

TUNMER ET AL.

Examiner

JOHN B. BYRD JR.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/8)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bibr et al* (2005/0057560 A1) (hereinafter *Bibr*).

Regarding **claims 1 and 9**, *Bibr* discloses a method of receiving content data for a user interface to a device (=see Fig.11, item 958), the method comprising the steps of:

the device receiving content data for a user interface from a communications interface (=see Fig.7, wherein item 1002 ("Data") flowing to item 1003 ("Interface") reads on device receiving content data; and see par.[0005], which further explains that the data is content data);

the device processing the received content data to form a user interface for the device (=see par.[0005]: "...between the screen and data component definitions are

embedded in the XML definitions in the form of screen/data mappings.” Which read on data content);

wherein the content data comprises metadata and the method comprises the further step of the device accessing content data updates via the communications interface in accordance with the content data metadata (=see par.[0005]: “...between the screen and data component definitions are embedded in the XML definitions in the form of screen/data mappings.” and Fig.11, item 958, which reads on data content and updates).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bibr* in view of *Ramos et al* (WO 01/61508 A1) (hereinafter *Ramos*).

Regarding **claims 2 and 10**, *Bibr* discloses a method according to claim 1, but does not clearly teach: wherein the metadata comprises an address for content data updates and the device accesses the content data updates located at the address.

However, *Ramos* in the same field of endeavor does teach: wherein the metadata comprises an address for content data updates and the device accesses the content data updates located at the address (=see page 20, lines 15-18).

Therefore, it would have been obvious to anyone of ordinary skill in the art, at the time of the invention, to combine the teachings of *Bibr* and *Ramos* to apply the benefits of the watermark enabled functionality and metadata manipulation.

Regarding **claims 3 and 11**, *Bibr* discloses a method according to claim 1, but does not clearly teach: wherein the metadata comprises a first address and the device queries the first address to obtain a second address, the device accessing the content data updates located at the second address.

However, in the same field of endeavor, *Ramos* does teach: wherein the metadata comprises a first address and the device queries the first address to obtain a second address, the device accessing the content data updates located at the second address (=see page 20, lines 15-18, wherein the "URLs" read on address).

Therefore, it would have been obvious to anyone of ordinary skill in the art, at the time of the invention, to combine the teachings of *Bibr* and *Ramos* to apply the benefits of the watermark enabled functionality and metadata manipulation.

Regarding **claim 4**, the combination of *Bibr* and *Ramos* discloses a method according to claim 3, and *Ramos* further teaches wherein the first address locates a database, the database comprising addresses for a plurality of content data updates (=see page 19, lines 24-31, wherein the instructions maybe stored in a media object that directs).

Regarding **claims 5 and 12**, the combination of *Bibr* and *Ramos* discloses a method according to any preceding claim, e.g. claim 4, and *Ramos* further teaches wherein the metadata comprises data which determines the frequency at which the device accesses content data updates (=see page 23, lines 24-30, wherein "predetermined times" reads on frequency).

Regarding **claims 6 and 13**, the combination of *Bibr* and *Ramos* discloses a method according to any of claims 1 to 5, e.g. claim 5, and *Bibr* further teaches wherein the metadata comprises data which defines events that cause the device to access content data updates (=see par.[0028], wherein "perform tasks on behalf of client application programs..." reads on defines events).

Regarding **claims 7 and 14**, the combination of *Bibr* and *Ramos* discloses a method according to any preceding claim, and *Ramos* further teaches wherein the content data updates accessed by the device are received via the communications interface, processed by the device and used to update the device user interface (=see page 23, lines 24-30, wherein "updates of its attributes from a metadata server..." is understood to occur via interface and reads on data updates accessed by device).

Regarding **claim 8**, the combination of *Bibr* and *Ramos*, and *Bibr* further discloses a data carrier comprising computer-executable code for performing the method of any of claims 1 to 7 (=see par.[0028], and par.[0005]-par.[0007], wherein the data carrier comprising computer-executable code is disclosed).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. BYRD JR. whose telephone number is (571)270-7463. The Examiner can normally be reached on M-F, 7:30am - 5:00pm, EST.

The supervisor, Charles Appiah, can be reached on 571-272-7904, if you are unable to resolve the matter with the assigned Examiner. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN B BYRD JR./
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617